

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Boubacar Sarr, individually and on behalf
of all others similarly situated,

Plaintiff,

-against-

BEF Foods, Inc.,

Defendant.

Case No. 1:18-cv-06409-ARR-RLM

Hon. Allyne R. Ross

**NOTICE OF MOTION TO DISMISS
FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss First Amended Complaint, Defendant BEF Foods, Inc., moves, before the Honorable Allyne R. Ross, United States District Court Judge for the Eastern District of New York, at the United States Court House, 225 Cadman Plaza, Brooklyn, New York 11201, for an order dismissing the First Amended Complaint of Plaintiff Boubacar Sarr (Dkt. 10) pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that the First Amended Complaint fails to state a claim upon which relief can be granted, and that the Plaintiffs lack standing.

Dated: August 16, 2019

Respectfully submitted,

/s/ August T. Horvath

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 16th day of August 2019, a true and correct copy of the foregoing document has been served on counsel of record who are deemed to have consented to electronic service via the Court's ECF system.

/s/ August T. Horvath

August T. Horvath